

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JARON DENZELL HOARD,
Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

IEISHA HOARD,

Respondent-Appellant,

and

RONALD GEROME JAMES,

Respondent.

UNPUBLISHED
January 4, 2007

No. 269048
Wayne Circuit Court
Family Division
LC No. 05-437790-NA

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Before: White, P.J., and Zahra and Kelly, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g), and, with respect to respondent mother only, MCL 712A.19b(3)(a)(ii). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err by finding at least one statutory ground for termination of the parental rights of each respondent was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The record establishes that from June 28, 2005, through October 6, 2005, respondent mother failed to visit the child, participate in drug screens or other services, or make contact with the agency. The agency attempted to contact her through letters and telephone calls, but received no response. Throughout these proceedings, respondent mother's efforts to have contact with the child or to work toward reunification were sporadic at best, with only five visits and three drug tests, one of which was positive for marijuana. For a lengthy period of time her whereabouts were unknown to the agency. This evidence is clearly sufficient to support the trial court's conclusion that respondent mother deserted the child for a period of 91 days and failed to seek custody of him during that time. MCL 712A.19b(3)(a)(ii).

The trial court did not clearly err by finding that both parents failed to provide proper care and custody for the child and that there was no reasonable likelihood that they would be able to do so within a reasonable time considering the age of the child. MCL 712A.19b(3)(g). Respondent mother failed to provide proper care and custody by using marijuana and cocaine during her pregnancy with Jaron. Respondent father failed to provide proper care and custody because he knew that respondent was using illegal substances before the birth of Jaron, yet evidently took no action to stop her from doing so. At the time of the termination trial, both respondents lacked income and housing. Throughout this matter, respondent mother did not visit the child regularly, did not keep in contact with the agency, and did not participate in parenting classes or substance abuse assessment despite two referrals for those services. Respondent mother's failure to comply with any aspect of the treatment plan is evidence of her inability to provide proper care and custody for the child. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003).

Although respondent father complied with parts of the parent-agency agreement by visiting the child and participating in parenting classes, his failure to comply with many drug screens and obtain suitable housing and income supplies evidence of his inability to provide proper care and custody for the child. *Id.* Clear and convincing evidence supported the trial court's conclusion that both respondents failed to provide proper care and custody for Jaron and that there was no reasonable likelihood they would be able to do so within a reasonable time, considering the child's age. MCL 712A.19b(3)(g).

Both respondents contend that they were not provided reasonable services directed toward reunification, a contention that is relevant to the sufficiency of the evidence for termination of parental rights. *In re Newman*, 189 Mich App 61, 66-69; 472 NW2d 38 (1991). Respondent mother was provided referrals for parenting classes and substance abuse assessment, but she did not take advantage of either of these services. She also failed to take advantage of

visits with the child that were offered, attending only five throughout the proceedings. Respondent father was also offered parenting classes, which he did eventually complete. He was given referrals for job training or employment assistance. Respondent father was offered drug screens, many of which he declined to take. Under these circumstances, respondents' claim that reasonable efforts were not made warrants no relief on appeal.

Finally, the trial court did not clearly err by finding that termination was not clearly contrary to the best interests of the child. MCL 712A.19b(5). At the time of the termination trial, the child had been in foster care for all of his life, one year. Neither parent appears likely to have the ability to offer the child permanency or stability within a reasonable time, since both lack housing and employment. This record supplies no basis to conclude that the trial court's determination was clearly erroneous.

Affirmed.

/s/ Helene N. White

/s/ Brian K. Zahra

/s/ Kirsten Frank Kelly